

Acton Board of Health

Minutes

June 19, 2006

Members Present: Mark Conoby, Acting Chairman, Joanne Bissetta, Member, Dr. Bill Taylor, Member, Pam Harting-Barrat and Rita Dolan, Associate.

Staff Present: Brent Reagor and Sheryl Ball.

Others Present: Andrew Munro

The meeting was called to order at 7:35 p.m.

Minutes

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to accept the minutes of June 5, 2006 as amended.

Aquifer Zone 3 Special Permit – 886 Main Street

The Health Department is in receipt on an Aquifer Zone 3 Special Permit application for Phase III expansion of the Robbins Brook Assisted Living facility located at 886 Main Street. This is for construction of 9 additional town houses. The Health Department has reviewed the plans and finds them to be in compliance with all provisions of Article 16. The Board discussed the definition of each zone. Mr. Conoby asked about the odor complaints. Mr. Reagor stated that a new firm has been hired and the odor problems are now under control as no odor complaints have been received. On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to grant an aquifer zone 3 special permit for the property located at 886 Main Street with the following conditions:

1. The facility shall, at all times, be in compliance with the parameters of MADEP GWD Permit #1-655, or any subsequent permits issued by MADEP.

2. All monitoring wells and piezometer sampling results required by the MADEP GWD permit shall be reported to the Board of Health within thirty (30) days of the sampling date.
3. Prior to the issuance of the Certificate of Compliance for the construction of the new effluent disposal area, the applicant shall submit record drawings of all sewer lines within the entire development, both Phase I and Phase II, including profile drawings.
4. Prior to Health Department signoff of any Certificate of Occupancy, the applicant must meet the following three conditions:
 - Piezometer shall be installed in the effluent disposal area.
 - Potable water service lines shall be connected to the wastewater treatment facility building
 - The Health Department and the Massachusetts Department of Environmental Protection shall witness a "Clearwater" test of the second treatment train.
5. The applicant shall provide proactive odor management measures at the wastewater treatment facility.

Variance – 1 Huckleberry Road

The Health Department is in receipt of an application for a variance from Article 11-9.1 for a reduction in the LTAR to the property located at 1 Huckleberry Lane. The Health Department has reviewed this request and finds that expansion of the system would require retaining walls and the system as designed meets the revisions to Article 11 which will take place on July 1, 2006.

On a motion made by Ms. Bissetta, seconded by Dr. Taylor, the Board unanimously voted to grant a variance from Article 11-9.1 to the property located at 1 Huckleberry Lane with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.
2. The system shall be built in accordance with the above conditions and a plan stamped by Eric Durling, PE, dated 6/8/2006.

Variance – 5 Patrick Henry Circle

The Health Department is in receipt of an application for a variance from Article 11-7.2 for a reduction in a setback to the wetland located at 5 Patrick Henry Circle. The Health Department has reviewed this request and finds that placement of the system is limited by the drainage system and the placement of the house due to the severe sloping. The Board stated that they would like to see a two compartment septic tank in order to provide additional environmental compensation. Dr. Taylor asked why the Board has typically used the 50' mark as a cutoff point for the distance from the wetlands. It was stated that Title 5 and Conservation have the 50' setback in their regulations.

On a motion made by Dr. Taylor, seconded by Ms. Bissetta, the Board unanimously voted to grant a variance from Article 11-7.2 to the property located at 5 Patrick Henry Circle with the following conditions:

1. The septic tank shall be pumped a minimum of once every two years.
2. A two compartment septic tank shall be installed with an effluent tee filter.
3. The system shall be built in accordance with the above conditions and a plan stamped by Daniel Wolfe, PE dated 6/13/2006.

Title 5 Waivers

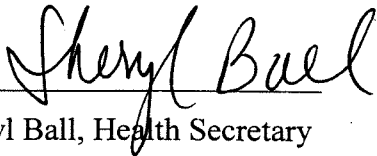
As a result of the last Board of Health meeting the Health Department has drafted some conditions for Board review in regards to granting timeline extensions for a Title 5 upgrade. Mr. Reagor stated that Title 5's are good for 2 years and the extension would be for an additional three years from the date of the Title 5 inspection. The Board asked what would happen if the sewers were not available within the 5 years. Mr. Reagor stated that a request for an extension may be obtained through the DEP. A failed Title 5 needs to be submitted to this office prior to obtaining an extension. Dr. Taylor asked about maintaining failed systems prior to sewer becoming available. Mr. Reagor stated that the applicant shall maintain the system but there may be case by case steps to help limp the system along. Ms. Bissetta asked the status of the home rule petition that is in front of the legislature to amend the requirements for betterment charges. Mr. Reagor stated that it is currently being worked on. Mr. Munro stated the committee chairman has proposed to change the language to reflect Acton only as some

members of the legislature were unhappy with it including all of Massachusetts. Dr. Harting-Barrat stated that she wants assurance that the seller is aware of the title 5 extension and the need for the new owners to connect to the sewer within 90 days of it being available. Mr. Munro asked if applicants would be required to come before the Board of Health. It was stated that in the beginning applicants would need to go before the Board of Health, however, but as the as construction begins the process may be moved to the Health Department. The Board commended Mr. Reagor on his draft conditions. Mr. Reagor will revise the conditions and include it in the next packet and await requests from homeowners.

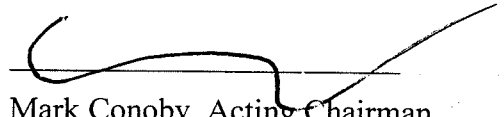
Adjournment

On a motion made by Dr. Harting-Barrat, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the Board of Health meeting at 8:54 P.M.

Respectfully Submitted,



Sheryl Ball, Health Secretary
Acton Board of Health



Mark Conoby, Acting Chairman
Acton Board of Health